

REMARKS

Claims 1-17 and 35 are pending in application. Claims 18-34 have been withdrawn. Claims 1-17 and 35 have been rejected. Claims 1-17 and 36 have been amended. Claim 35 has been cancelled. No new matter has been added.

Examiner Interview

A telephone Interview was conducted with the Examiner on November 29, 2006 to discuss the patentable weight of the functional language of the claims in the application. No agreement was reached.

Claim Amendments

Claim 1 has been rewritten as a method claim. Claims 2-17 have been amended to track the method language of claim 1. Claim 36 has been amended to indicate controller means providing the functionality of the method of claim 1. Claim 35 has been cancelled.

Objections to the Claims

Claims 9-12 have been objected to under 37 CFR 1.75 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Examiner believes the limitations set forth in the claims are already present in the parent claims. Applicants respectfully traverse the objection.

Claims 9-12 recite limitations not recited in the parent claims. Claims 9-12 add additional limitations that indicate how methodology of the parent claims are performed. As such, they are limitations not in the parent claims.

Rejection under 35 USC § 103

Claims 1-17, 35 and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura et al. (5,964,309) in view of JP 08-214452 (Takeshi). Applicants respectfully traverse the rejection.

Claim 1-17

Claim 1 has been amended to recite a method for supplying an excess supply amount of reacting gas in a fuel cell power supply unit having an electrochemical fuel cell, an electric double layer capacitor, which is substantially directly connected with the fuel cell, and an excess amount supply device that is configured to supply an excess supply amount of a reacting gas supplied to the fuel cell. The method comprises the steps of determining a voltage of the fuel cell after a variation of electrical load based on a synthetic output characteristic of the fuel cell and the capacitor, originated from an equilibrium point on a current-voltage characteristic of the fuel cell at a predetermined output state and a predetermined width of the variation of electrical load; obtaining a current corresponding to said voltage; obtaining a reacting gas supply amount corresponding to said current; and supplying the reacting gas in an amount which includes an excess supply amount with the equilibrium reacting gas supply amount before the variation of electrical load. This methodology is not taught or suggested by either Kimura or Takeshi.

Thus for the reasons set forth above, neither Kimura nor Takeshi alone or in combination teach or suggest each and every element of claims 1. Claims 2-17 depend from claim 1 and as such incorporate each and every element of claim 1. Therefore claims 2-27 are also not taught or disclosed by Kimura or Takeshi. Accordingly, Applicants request the withdrawal of the rejection to claims 1-17 under 35 USC § 103 and that claims 1-17 be passed to issue.

Claim 35

Claim 35 has been cancelled rendering the rejection to this claim moot.

Claim 36

Claim 36 is a means plus function claim that recites the same methodology of claim 1. Applicants are allowed to claim subject matter in this format under 35 U.S.C. § 112, sixth

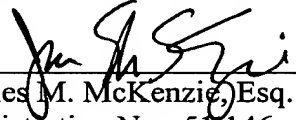
paragraph. As such, the functional language should be given the same patentable weight as the method of claim 1. As discussed above, neither Kimura nor Takeshi alone or in combination teach or suggest each and every element of claim 1. As such Kimura and Takeshi also fail to teach or suggest each and every element of claim 36. Accordingly, Applicants request the withdrawal of the rejection to claims 36 under 35 USC § 103 and that claim 36 be passed to issue.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 
James M. McKenzie, Esq.
Registration No.: 51,146
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant